

not expire until 30 days after the date of the letter notifying the requester that all records to which access has been granted have been made available.

(3) The appeal shall be in writing and should include a copy of the initial request and a copy of the response to that initial request, if any. The appeal shall be addressed as follows: Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

(B) Failure to mark the envelope and the appeal in accordance with paragraph (a)(2)(i)(A) of this section will result in the appeal (and any request for expedited treatment filed with that appeal) being treated as received on the actual date of receipt by the Office of General Counsel.

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(ii) * * *

(A)(1) Regarding appeals from initial denials of a request for expedited treatment, the General Counsel will either grant or deny the appeal expeditiously;

(2) Regarding appeals from initial denials of a request for records, the General Counsel will, within 20 working days of the receipt of such an appeal, either grant or deny it, in whole or in part, unless expedited treatment has been granted in accordance with this section, in which case the appeal will be processed as soon as practicable.

* * * * *

(h) The General Counsel (or General Counsel's designee) may authorize a Commission member, other Commission official, or Commission staff to disclose an item or category of information from Commission records not currently available to the public for routine inspection and copying under Rule 4.9(b) where the General Counsel (or General Counsel's designee) determines that such disclosure would facilitate the conduct of official agency business and would not otherwise be prohibited by applicable law, order, or regulation. Requests for such determinations shall be set forth in writing and, in the case of staff requests, shall be forwarded to the General Counsel (or General Counsel's designee) through the relevant Bureau. In unusual or difficult cases, the General Counsel may refer the request to the Commission for determination.

§ 4.13 [Amended]

4. In § 4.13, the reference in paragraph (c) to "6th Street and Pennsylvania Avenue NW.," and the reference in paragraph (i)(1) to "6th Street & Pennsylvania Avenue, NW.," are revised to read "600 Pennsylvania Avenue, NW.,"

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99-1178 Filed 1-19-99; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 1000

[Docket No. FR-4419-F-01]

RIN 2577-AB93

Due Date of First Annual Performance Report Under the Native American Housing Assistance and Self-Determination Act of 1996

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: This final rule sets January 31, 1999 as the due date for recipients of Indian Housing Block Grant funds to submit the first annual performance reports under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA). This date provides an additional 60 days to the 60 day period that was assumed to apply, and allows recipients and HUD more time to work out the difficulties of the first performance report submissions.

EFFECTIVE DATE: February 19, 1999.

FOR FURTHER INFORMATION CONTACT:

Bruce Knott, Director, Office of Housing and Community Development, Office of Native American Programs, 1999 Broadway, Suite 3390, Denver, CO 80202; telephone (303) 675-1600 (this is not a toll-free number). Speech or hearing-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

NAHASDA section 404 (25 U.S.C. 4164) and 24 CFR 1000.514 require each recipient of Indian Housing Block Grant (IHBG) funds to submit an annual performance report to HUD. Under 24 CFR 1000.514, a performance report must be submitted within 60 days of the end of the recipient's program year. For the first year of NAHASDA, 24 CFR 1000.516 provides that the period to be covered by the annual performance report will be October 1, 1997 through September 30, 1998, and that subsequent reporting periods will coincide with the recipient's program year.

The Department has received numerous inquiries concerning the due

date for the first annual report under § 1000.516. Recipients cite unfamiliarity with the new reporting format, the late date at which Indian Housing Plans (IHPs) were approved, and the requirement for public comment on their annual performance reports as reasons why a 60-day due date for the first annual reports is impracticable. In addition, there is an issue as to when the first annual report is due. Although § 1000.514 provides that the annual performance report is due within 60 days of the end of the recipient's program year, the period to be covered by the first report, set by § 1000.516, does not coincide with the program year of many recipients. While it has been generally assumed that the first report would be due within 60 days of September 30, 1998, § 1000.516 does not explicitly establish this submission period.

For these reasons, HUD has determined to amend § 1000.516 to establish January 31, 1999 as the due date for performance reports under the first year of NAHASDA. This date provides an additional 60 days to the 60 day period that was assumed to apply, and allows recipients and HUD more time to work out the difficulties of the first performance report submissions.

Findings and Certifications

Justification for Final Rulemaking

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking, 24 CFR part 10; however, part 10 does provide for exceptions from that general rule where the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is "impracticable, unnecessary, or contrary to the public interest." (24 CFR 10.1) The Department finds that good cause exists to publish this rule for effect without first soliciting public comment, in that prior public procedure is unnecessary because of the limited scope of the rule. This rule only provides clarification of the date by which the first annual performance reports under NAHASDA are due.

Paperwork Reduction Act

The information collection requirements contained in the IHBG rule at 24 CFR part 1000 have been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (42 U.S.C. 3501-3530), and assigned OMB control number 2577-0218. An

agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. This final rule does not include any additional information collection requirements.

Environmental Impact

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(c)(2) of the HUD regulations, this rule amends an existing document, the regulations at 24 CFR part 1000, which as a whole would not fall within an exclusion, but the amendment by itself would do so. Therefore, this rule is categorically excluded from the requirements of the National Environmental Policy Act.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this rule have no federalism implications, and that the policies are not subject to review under the Order.

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks

This rule will not pose an environmental health risk or safety risk on children.

Unfunded Mandates Reform Act

The Secretary has reviewed this rule before publication and by approving it certifies, in accordance with the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532), that this rule does not impose a Federal mandate that will result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) has reviewed and approved this rule, and in so doing certifies that this rule would not have a significant economic impact on a substantial number of small entities.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for this program is 14.867.

List of Subjects in 24 CFR Part 1000

Aged, Community development block grants, Grant programs—housing and community development, Grant programs—Indians, Indians, Individuals

with disabilities, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

Accordingly, for the reasons described above, in title 24 of the Code of Federal Regulations, part 1000 is amended as follows:

PART 1000—NATIVE AMERICAN HOUSING ACTIVITIES

1. The authority citation for part 1000 continues to read as follows:

Authority: 25 U.S.C. 4101 *et seq.*; 42 U.S.C. 3535(d).

2. Section 1000.516 is revised to read as follows:

§ 1000.516 What reporting period is covered by the annual performance report?

For the first annual performance report to be submitted under NAHASDA, the period to be covered is October 1, 1997, through September 30, 1998. This first report must be submitted by January 31, 1999. Subsequent annual performance reports must cover the period that coincides with the recipient's program year.

Dated: January 12, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99-1195 Filed 1-19-99; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

RIN 1512-AA07

[T.D. ATF-407; Ref Notice No. 856]

Establishment of the San Francisco Bay Viticultural Area and the Realignment of the Boundary of the Central Coast Viticultural Area (97-242)

ACTION: Treasury decision, final rule.

SUMMARY: This Treasury decision establishes a viticultural area in the State of California to be known as "San Francisco Bay," under 27 CFR part 9. The viticultural area is located mainly within five counties which border the San Francisco Bay and partly within two other counties. These counties are: San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, and partly in Santa Cruz and San Benito Counties. The "San Francisco Bay" viticultural area encompasses approximately 2,448

square miles total and contains nearly 5,800 acres planted to grapes and over 39 wineries. In conjunction with establishing the "San Francisco Bay" viticultural area, ATF is amending the boundaries of the Central Coast viticultural area to include the "San Francisco Bay" viticultural area. The previous boundaries of the Central Coast viticultural area already encompassed part of the "San Francisco Bay" viticultural area. Approximately 639 square miles is added to Central Coast with an additional 2,827 acres planted to grapes.

EFFECTIVE DATE: March 22, 1999.

FOR FURTHER INFORMATION CONTACT: David Brokaw, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, 650 Massachusetts Avenue, NW, Washington, DC., 20226, (202) 927-8199.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features, the boundaries of which have been delineated in Subpart C of Part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

- (a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;
- (b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;
- (c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;
- (d) A description of the specific boundaries of the viticultural area,